

Pawnee Hills Community Association

July 2006

Clubhouse Voice Mail/ Address/Website

(303) 646-0126

35644 Cheyenne Trail Elizabeth, CO 80107

www.pawneehillshoa.org

PHCA Board Members

President – Tina O'Bryan

Vice President - Pam Schultz

Board Member & Secretary – Walt Day

Treasurer – Sandy Perry

Facility Coordinator – Darren Jones

Assistant Facility Coordinator - Cynthia Cregger

Board of Director's Meeting

The next Board of Director's meeting will be held on **Thursday, July 13, 2006 at 7:00 p.m.** at the clubhouse located at 35644 Cheyenne Trail.

HOMEOWNER'S MEETING

The next scheduled homeowner's meeting will be held on **Saturday, July 29th at 10:00 a.m.** at the clubhouse located at 35644 Cheyenne Trail.

We will be voting on various items from the results of the Covenant Committee survey. You will be receiving detailed information in the mail soon. The packet will include an agenda, proxy and list of items up for a vote.

One of the most important items up for vote is another attempt to adopt the bylaw change that was done in 1998 and make it a covenant change. This will save this community from going through a **costly** declaratory judgment through the court system.

It was brought to our attention that the amendment to the bylaws, which was voted on at the December 5, 1998 annual meeting, should have been a "covenant" change instead of a "bylaw" change therefore in order to implement these changes we need 112 "yes" votes.

The board, at that time (December 1998), decided to try to get enough votes to make the changes to the covenants, but their attempt failed. That board decided that since there was enough for a bylaw change their obligation was to file that change with the county. The problem with this procedure was that future boards took this amendment and acted as if the change was, in fact, a covenant change. For years, past and present board members have been allowing these changes (i.e. allowing commercial activity) and now are forced (if the community doesn't vote these changes in) to go back to our original covenants ("no commercial activity").

If the board tries to enforce the prohibition it would be a nightmare and failing to enforce would be an equal mess.

Homeowners would need to vote yes to the following:

Pawnee Hills Community Association now desires to amend its Covenants by the addition of a new Article XIII, as set forth below;

Article XIII

- A. Whenever an owner submits plans and specifications to the Architectural Control Committee, such submission shall be made to the Pawnee Hills Clubhouse, 35644 Cheyenne Trail, Elizabeth, Colorado 80107, in person or by mail. The Architectural Control Committee shall confirm the receipt of all such submissions within ten (10) days following receipt at the Clubhouse. The Control Committee shall follow the procedure set forth in Article V, Section 3 of the Declaration of Protected Covenants.

The Following provisions shall guide the Architectural Control Committee in administering the Restrictions set forth in Article VI of the Declaration of Protective Covenants:

Fences. (Section 2, or Article VI) No barbed wire fences shall be allowed. No chain link fences shall be allowed except for dog runs. The maximum height of any fence shall be six feet (6'). No solid fencing shall be allowed on the perimeter of the property.

Livestock. (Section 7, of Article VI) Zoning for Pawnee Hills is RA-1, and County Regulations provide the containment area (corral) shall not exceed ten percent (10%) of the gross lot acreage or one-half (1/2) acre, whichever is less.

Trees. (Section 8, of Article VI) Minor pruning and trimming are to be done at the discretion of the homeowner.

Landscaping. (Section 9, of Article VI) Improved lawns of an area up to 1,600 square feet are allowed if approved by the Well Permit. The preferred typed of grasses shall include: Fescue, Buffalograss, Grama, Wheatgrass, Bromes, Clover and Rye.

Commercial Activity. (Section 13, of Article VI) All activities in the common areas shall be for a resident's personal use and/or training of an animal. No commercial activities in the common areas shall be approved. No business signs shall be permitted on any structure and no free-standing business signs shall be erected on any lot. Home occupations shall only be allowed as permitted by Elbert County Regulations, Section 22, Part II, page 143.

Home Occupations

- A. Intent – to provide for the operation of limited commercial activities (such as tutoring, music lessons, artist studios, etc.) within established residential zones.
- B. Permitted Home Occupations

A home occupation shall be allowed as a permitted use in all residential zones provided that:

1. Such use shall be conducted only by the residents of the principal dwelling and only within the principal dwelling or accessory use building.
2. Such use shall be clearly incidental and secondary to the use of the dwelling or accessory use building as dwelling unit and shall not change the character thereof. No buildings inconsistent with the character of the zone will be allowed.
3. There shall be no outside storage on the premises of materials or equipment used in connection with the home occupation that is not fenced or enclosed.
4. There shall be no excessive or offensive noise, vibration, smoke, dust, odors, heat, glare or light noticeable or extending beyond the property.
5. Home occupations shall not generate traffic which significantly affects the residential character of that area.
6. The Board of County Commissioners shall determine which activities other than those proposed which are compatible with this section shall proceed in conformance with Part II, Section 17 of these Regulations.
7. The occupant shall provide any off-street parking needed to keep streets unobstructed.

\$\$\$\$\$ IMPORTANT \$\$\$\$\$\$: If the community fails to pass the above covenant change (112 “yes” votes) at this meeting, the board will be forced to continue with the request for a Declaratory Judgment through the court system at a cost to the community in the thousands! Please help to fix the problem now by making sure to either attend the homeowners meeting on July 29th or get your proxy to someone you trust to vote on your behalf to bring to the meeting.

Warning

A homeowner would like to warn neighbors that tools were stolen from his property. We would like to remind everyone to keep their doors locked and make sure to close garage doors and lock barns and sheds. This homeowner was fortunate, in that the thief was caught and tools were returned. The clubhouse was broken into at about the same time as the above homeowner's robbery – a window downstairs and one upstairs were broken. Nothing was taken and only the windows were damaged. Thanks to a volunteer homeowner, he boarded up the windows and had the windows fixed and replaced within a few days (for a very low cost to the community). Please remember even though we are rural, crimes happen here too.

T-Post Caps on Fencing

There have been reports of horses being impaled by t-posts within the community. We are asking that any homeowner with t-posts put caps on top of the posts to help prevent these types of accidents. Caps can be purchased at the Elizabeth Feed store, Big R or Ace Hardware.

Let Us Know

Please call the clubhouse at above number and leave a message if you notice anything that might need attention either at the clubhouse, barn, arena, mailbox shelter...this will help us to keep up with maintenance issues. Thank you.

Lawn At The Clubhouse

We are aware of the condition of the lawn near the clubhouse/pool area and are working to revive it. We are experiencing water pressure problems and are currently working on requests for proposals from licensed plumbers to assess our situation.

Road Condition Complaints

Please contact the Elbert County Road and Bridge Department to report any complaints regarding our roads here in Pawnee Hills. You can call, mail or fax your complaints to: Elbert County Road and Bridge Department, 218 Cheyenne Street, PO Box 116, Kiowa, Colorado 80017, Attention: Rick Manyik, Superintendent – (303) 243-0403 cell, (303) 621-3157 office or (303) 621-3159 fax. The more complaints filed, the better our roads will become.

Swim Lessons

We are checking to see if there is an interest within the community for swim lessons. A certified swim instructor would teach lessons. Group swim lessons for children would be for 4 – 5 children per group, for 5 days (M-F) ½ hour lessons per day for \$45/week. Private lessons could also be set up at a cost of \$25 per ½ hour. Please leave a message for Tina O'Bryan at the clubhouse number listed above if you are interested.

Covenant Reminder

"Article VI – Restrictions – 6. Trash. No trash, ashes, garbage, debris or other refuse shall be thrown or dumped on any land within the subdivision. There shall be no burning of refuse out of doors. Each property owner shall provide suitable receptacles for the temporary storage and collection of refuse and all such receptacles shall be screened from public view and protected from disturbance."

Easements

Please check to make sure that all bridal/utility easements are set back correctly and you are not encroaching into any easement. We are a horse community and we take our bridal paths seriously.

Collection Chart

Listed below is a chart of fees that homeowners will incur for any unpaid monies due to Pawnee Hills Community Association. Please note these fees are subject to change.

ADDITIONAL SERVICES PERFORMED (includes postage):	**FEES**
BILL LATE FEE & INTEREST, MAIL LETTER #1 FROM PHCA PRESIDENT	\$25.39
BILL LATE FEE & INTEREST, MAIL LETTER #2 FROM PHCA- REMINDER	\$25.39
BILL LATE FEE & INTEREST, MAIL w/LIEN COPY TO OWNER, PREP LIEN & MAIL w/\$6 FEE TO ELBERT COUNTY CLERK	\$46.78
AFTER LIEN IS RECORDED, BILL LATE FEES & MAIL TO OWNER, MAIL ALL COLLECTION DOCUMENTS TO ATTORNEY	\$20.78
AFTER DOCUMENTS SENT TO LAWYER, BILL LATE FEES & MAIL TO OWNER, MAIL ATTORNEY DETAIL ACCT LEDGER	\$15.78
BILL COVENANT VIOLATIONS, LEGAL FEES & OTHER NON-DUES AMOUNTS	\$10.39
PREP RELEASE OF LIEN & MAIL w/\$6 FEE TO ELBERT COUNTY CLERK, MAIL RECORDED RELEASE TO OWNER	\$46.78
ATTORNEY SENDS DEMAND LETTER	\$54.58
ATTORNEY FILES LAWSUIT	\$364.68
ATTORNEY HAS LAWSUIT PAPERWORK HAND DELIVERED TO OWNER	\$50 - \$150

****FEES SUBJECT TO CHANGE****

Covenant Violation Expenses – Current/Ongoing Expenses as of April 2006 (\$8,989.17)

The Board would like to encourage all homeowners with covenant violations to come into compliance so the association can avoid expenses like those reported below.

<p>Linda Lee</p> <p>\$ 4.42 1st mailing</p> <p>\$ 4.42 2nd mailing</p> <p>\$ 138.33 lawyer meeting</p> <p>\$ 51.54 demand letter</p> <p>\$ 300.00 enforcement lawsuit</p> <p>\$ 20.80 copies</p> <p>\$ 1.48 postage</p> <p>\$ 75.00 notice of lis pendens</p> <p>\$ 136.00 filing fee</p> <p>\$ 34.00 process by Sheriff</p> <p>\$ 10.05 copies, postage, letter to court to forward return of service</p> <p>\$ 185.00 motion for default & order</p> <p>\$ 46.25 e-file pleading</p> <p>\$ 8.00 e-filing fee</p> <p>\$ 9.07 filing fee, copies, postage</p> <p>\$ 34.48 notice to set trial</p> <p>\$ 46.25 phone conference w/Lee</p> <p>\$ 34.05 notice of setting</p> <p>\$ 34.48 copies, postage, notice, cover letter</p> <p>\$ 46.25 court case research</p> <p>\$ 370.00 disclosure, certificate of compliance; review of all documents</p> <p>\$ 27.75 e-file disclosure certs</p> <p>\$ 38.16 photocopies, postage</p> <p>\$ 8.30 e-filing fee</p> <p>\$ 46.25 telephone conference</p> <p>\$ 30.52 letter</p> <p>\$ 92.50 draft response motion</p> <p>\$ 61.05 draft trial mgmt order; telephone conference w/ court</p> <p>\$ 61.05 letter re order</p> <p>\$ 8.22 e filing</p> <p>\$ 34.56 notice of setting</p> <p>\$ 1.78 postage/copies</p> <p>\$ 30.83 telephone conference</p> <p>\$ 370.00 trial mgmt order</p> <p>\$ 231.25 prepare for trial</p> <p>\$ 185.00 prep exhibit books</p> <p>\$ 878.75 attend trial</p> <p>\$3,695.84 Total</p>	<p>Greg and Holly Haan</p> <p>\$ 4.42 1st mailing</p> <p>\$ 4.42 2nd mailing</p> <p>\$138.33 lawyer meeting</p> <p>\$ 51.54 demand letter</p> <p>\$300.00 enforcement lawsuit</p> <p>\$ 22.00 copies</p> <p>\$ 1.48 postage</p> <p>\$ 75.00 notice of lis pendens</p> <p>\$136.00 filing fee</p> <p>\$ 64.00 process by Sheriff</p> <p>\$ 10.39 copies, postage, letter to court with return of service</p> <p>\$185.00 motion for default & order</p> <p>\$ 46.25 e-file pleading</p> <p>\$ 13.97 copies, postage, filing fee</p> <p>\$ 9.67 filing fee, copies, postage</p> <p>\$ 7.54 copies, postage, letter</p> <p>\$ 46.25 court case research</p> <p>\$370.00 disclosure, certificate of compliance; review of all documents</p> <p>\$ 27.75 e-file disclosure certs</p> <p>\$ 38.16 photocopies, postage</p> <p>\$185.00 draft response motion to dismiss and order</p> <p>\$ 8.90 e-filing</p> <p>\$ 10.05 copies, postage & cover letter</p> <p>\$ 46.25 telephone conference</p> <p>\$ 30.53 letter</p> <p>\$ 34.82 postage, copies, notice, letter</p> <p>\$508.75 upcoming litigation mtg.</p> <p>\$185.00 telephone hearing</p> <p>\$370.00 prep of exhibits/conf.call</p> <p>\$185.00 mtg. prep. trial</p> <p>\$1,480.00 mtg. witnesses/attend trial</p> <p>\$ 30.84 telephone conference</p> <p>\$ 138.75 research atty fees</p> <p>\$ 323.75 draft brief & order</p> <p>\$5,089.81 Total</p>	<p>John and Susan MacArthur</p> <p>\$ 4.42 1st mailing</p> <p>\$ 4.42 2nd mailing</p> <p>\$ 46.25 telephone conference</p> <p>\$ 51.54 demand letter</p> <p>\$ 1.98 postage/copies</p> <p>\$ 62.50 letter re breeding</p> <p>\$.79 postage/copies</p> <p>\$ 30.83 telephone conference</p> <p>\$.79 postage and copies</p> <p>\$ 203.52 Total</p>
---	---	---